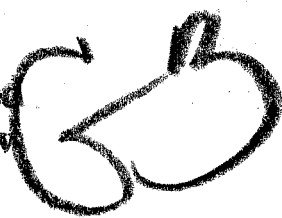


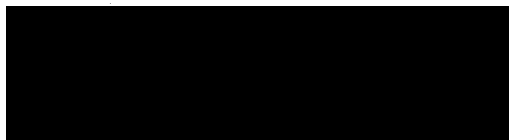
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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

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prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services



FILE:



Office: KANSAS CITY, MO Date:

MAY 27 2004

IN RE:

Obligor:

Bonded Alien:



IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the District Director, Kansas City, Missouri and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on December 14, 2000, the obligor posted a \$500.00 bond conditioned for the voluntary departure for the above reference alien. An order of the immigration judge (IJ) dated December 7, 2000, was issued granting the alien voluntary departure in lieu of removal on or before February 7, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 14, 2002 the BIA affirmed, without opinion, the IJ's order and granted the alien voluntary departure within 30 days from the date of the order. On December 24, 2002, the district director concluded the bond had been breached. The alien has failed to depart.

On appeal, the obligor asserts that an application for stay of deportation was submitted to the district office on December 9, 2002.

There is no evidence of record to indicate that the district director has stayed the bonded alien's removal.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the field office director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for ICE to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the district director will not be disturbed.

ORDER: The appeal is dismissed.